

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE THOMAS,

Defendant.

Case No. N4/7538305

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

2:20-mj-00113-EJY

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Due to scheduling, defense counsel is unavailable for the currently set trial date.
2. Defense counsel is still receiving Mr. Thomas's medical records and needs time to go over them with Mr. Thomas and prepare his defense.
3. Mr. Thomas is out of custody and does not object to the continuance.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the third request for a continuance of the bench trial.

1 CONCLUSIONS OF LAW

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,
9 United States Code, § 316(h)(7)(B)(iv).

10 ORDER

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
12 January 29, 2020, at 9:00 a.m., be vacated and continued to March 12, 2020 at the hour of
13 9:30 a.m.

14 DATED this 27 day of January 2020.

15 
16 _____
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26

FILED	CLERK
ENTERED	DEPUTY
COUNSEL/PARTY	
JAN 24 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

RENE L. VALLADARES
Federal Public Defender
Nevada State Bar No. 11479
KATHERINE TANAKA
Assistant Federal Public Defender
Nevada State Bar No. 14655C
411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577/Phone
(702) 388-6261/Fax
Katherine_Tanaka@fd.org

2:20-mj-00113-EJY

Attorney for Wayne Thomas

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE THOMAS,

Defendant.

Case No. N4/7538305

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Katherine Tanaka, Assistant Federal Public Defender, counsel for Wayne Thomas, that the bench trial currently scheduled on January 29, 2020 at 9:00 am, be vacated and continued to March 12, 2020.

This Stipulation is entered into for the following reasons:

1. Due to scheduling, defense counsel is unavailable for the currently set trial date.
2. Defense counsel is still receiving Mr. Thomas's medical records and needs time to go over them with Mr. Thomas and prepare his defense.

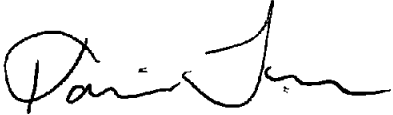
- 1 3. Mr. Thomas is out of custody and does not object to the continuance.
- 2 4. Additionally, denial of this request for continuance could result in a miscarriage
- 3 of justice. The additional time requested by this Stipulation is excludable in computing the time
- 4 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
- 5 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
- 6 § 3161(h)(7)(B)(iv).

7 This is the third request for a continuance of the bench trial.

8 DATED this 24th day of January, 2020.

9


10 RENE L. VALLADARES
Federal Public Defender

11 By 

12

13 KATHERINE TANAKA
Assistant Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

By 

RACHEL KENT
Special Assistant United States Attorney